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10/761,162	01/20/2004	David R. Arnold	1566	2557

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EXAMINER

GARCIA, ERNESTO

ART UNIT PAPER NUMBER

3679

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/761,162

Applicant(s)

ARNOLD ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005 and 03 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 14-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 8, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2005 and 03 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Election***

Claims 7 and 14-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/18/2005.

### ***Drawings***

The drawings were received on August 3, 2005 and August 22, 2005. These drawings are acceptable.

### ***Claim Objections***

Claims 1, 3, 5, 10 and 11 are objected to because of the following informalities:  
regarding claim 1, the limitation "each of the first and second leg secured to one of the sides of the plate" in line 11-12 is not accurate with the drawings because the first

leg and the second leg are not secured to just one leg; the claim needs recite --the first leg is secured to the first side and the second leg is secured to the second side--;

regarding claim 3, --motion-- needs to be inserted before "stop";

regarding claim 5, --the-- needs to be inserted before "first" in line 4, the second occurrence of "a" in line 5 needs to be deleted, and "one of" in line 5 needs to be deleted;

regarding claims 10 and 11, "112" in claim 10, line 2, and in claim 11, line 10 should be --(112)--; and,

regarding claim 11, "20" in line 2 should be --(20)--. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 112***

Claims 1-6, 8-10, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "configured to be moved in a first direction from a free position to a locked position" in line 5 contradicts "a fastener opening" in line 14. Since the configuration is an opening 38 to allow the plate to move in a first direction

from a free position to a locked position, the limitation "a fastener opening" makes unclear whether these are the same feature or a double inclusion of the same feature.

Regarding claim 6, the claims sets to define what claim 1 has already recited. The recited components are double inclusions of the same components in claim 1.

Regarding claim 10, the limitation "a bridge" in line 3 makes unclear whether this is another bridge than the one recited in claim 1, lines 12-13, or another bridge.

Regarding claims 2-5, 8, 9, 12, and 13, the claims depend from claim 1 and therefore are indefinite.

### ***Claim Rejections - 35 USC § 102***

Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Feles et al., 3,437,349.

Regarding claim 1, Feles et al. disclose, in Figures 2, 3, and 6, a combination of a plate **22**, a fastener **36**, and a resilient blocking member **18**. The plate **22** has a first side **24** and a second side **24**. The plate **22** is configured to be placed over the fastener **36**, and configured to be moved in a first direction from a free position to a locked position. The configuration to be moved in a first direction is a fastener opening **28**.

The resilient blocking member **18** includes a first leg **52** and a second leg **54**. The first leg **52** is secured to the first side **24** and the second leg **54** is secured to the second side **24**. The resilient blocking member **18** further includes a resilient bridge **48** spanning a distance between the first leg **52** and the second leg **54**. The resilient blocking member **18** extends over a portion **26** of the plate **22**. The portion **26** of the plate **22** has the fastener opening **28**. Applicants should note that the resilient blocking member is able to move with the plate from a first position, in which the resilient member is free from the fastener (Fig. 3) to an engaged position in engagement with a portion of the fastener, to resiliently connect the plate with the fastener when the plate is in a locked position (Fig.2).

Regarding claim 2, the combination further includes a motion stop **58**.

Regarding claim 3, the motion stop **58** is formed from a portion of the resilient blocking member **18**.

Regarding claim 4, the resilient blocking member **18** is configured to be snap-fit upon the first side **24** and the second side **24** of the plate **22**.

Regarding claim 5, the first leg **52** and the second leg **54** are each received in a snap-fit manner upon the first side **24** or the second side **24** of the plate **22**.

Regarding claim 6, the bridge **48** extends between the first side **24** and the second side **24** of the plate **22**. The first leg **52** and the second leg **54** are each fixedly received upon the first side and the second side.

Regarding claim 9, the plate **22** includes the fastener opening has a large diameter portion **34** of sufficient size, and a small diameter portion **28**.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feles et al., 3,437,349, as applied to claims 1-6 and 9, and further in view of Pelz, 5,051,021.

Regarding claim 10, Feles et al. disclose the fastener including a head **42**. However, the head does not have a recess in a top surface thereof; and the bridge does not include a center portion having a depression. Pelz teaches, in Figures 3 and 5, a head 6 having a recess (col. 3, lines 21-25) in a top surface thereof, and a bridge 5 having a center portion having a depression 9 to retaining the fastener in a fastening

opening (col. 3, lines 19-21). Therefore, as taught by Pelz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feles, by including a recess in the top surface of the head **42** and include a depression in the center portion of the bridge to retain the fastener in the fastening opening.

***Allowable Subject Matter***

Claim 11 is allowed.

Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 8, the prior art of record does not disclose or suggest a combination of a fastener and a quick connect anchor comprising a resilient blocking member having legs terminating in a hook received within a recess on each side of a plate; the closest prior art, De Sloovere, 5,215,332, teaches a recess 42 on each side of the plate 46; however, the hooks 48 and 48 are not received within the recess, but rather tangs 50 are received in the recess;



regarding claim 11, the prior art fails to disclose or suggest a quick connect anchor, in combination with a fastener, comprising a motion stop extending from the center portion and further into a recess of the fastener than a depression extends into the recess of the fastener; the closest prior art, Pelz, teaches a depression extending into a recess; however, Pelz does not include a motion stop extending from a center portion of a bridge;

regarding claim 12, the prior art fails to disclose or suggest a quick connect anchor, in combination with a fastener, comprising a center portion of a bridge of a resilient blocking member, being one-half of a semicircle having a rear edge positioned opposite a first direction; the closest prior art, Pelz, 5,051,021, teaches a semicircle and no rear edge to retain the fastener; and,

regarding claim 13, this claim depends from claim 12.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6, 9, and 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In particular, the limitations "A combination comprising a fastener and

a quick connect anchor” in claim 1, lines 1-2, “having a first side and a second side” in claim 1, line 4, “the resilient blocking member including a first and second leg, each of the first and second leg secured to one of the sides of the plate, the resilient blocking member further including a resilient bridge spanning a distance between the first and second leg and extending over a portion of the plate, such portion having a fastener opening” recited in claim 1, lines 10-14, necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.S.

E.G.  
January 22, 2006



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